STATE OF MICHIGAN MSC REG. G5 JUDICIAL DISTRICT 30TH JUDICIAL CIRCUIT	APPLICATION TO SET ASIDE CONVICTION(S)	CASE NO. and JUDGE USDC: 1:21-CV-78; P-18210. 14-11012-FH ☑ This application includes multiple case numbers as listed in item 1.

ORI MI- WY1429462

Police Report No. 41140126308.

Court address: 313 W KALAMAZOO ST LANSING, MI 48933 & USDCWD.

Court telephone no.: 616-456-2381

THE PEOPLE OF ☑ The State of Michigan ☑ IN RE: STACEY R. SMITH (ORDINE DE PAUPERIS)	v	Defendant's name, address, and telephone no. CHIEF JUSTICE BRIDGET MC CORMACK CHIEF JUDGE MARK A TRUSOCK LEAD PROSECUTOR CHRIS R BECKER
		CTN/TCN: 41140126308 — SID: 2014-00029462
Use note: If you are asking to have an eligible conviction set aside under MCL 780.621(3) because the offense committed was a direct result of you being a victim of human trafficking, you must use form MC 227b. If you are asking to have a misdemeanor marihuana conviction set aside under MCL 780.621e, you must use form MC 227a.		Defendant's attorney, bar no., address, and telephone no. DEFENSE COUNSEL JOHN R BEASON (DU TAUNTE) 180 OTTAWA AVE NW GRAND RAPIDS MI 49503 82 IONIA AVE GRAND RAPIDS MICHIGAN 49503 15 IONIA AVE GRAND RAPIDS MICHIGAN 49503 517-373-0120, 616-632-6008, 616-458-3981.

1. I **request** that the court issue an order to set aside the conviction(s) listed below as provided by law. I consent to use of the nonpublic record created by MCL 780.623 to the extent authorized by MCL 780.623. A certified copy of each conviction is attached. Use additional sheet(s) if more space is necessary.

	CRIME	CHARGE CODE(S) MCL citation/PACC Code	DATE OF CONVICTION	CASE NUMBER
a.	CRIMINAL SEXUAL CONDUCT	MCL 750.520 (C) (1) (H) - 2 COUNTS	07/22/2015	14-11012-FH
b.	CRIMINAL SEXUAL CONDUCT	MCL 750.520 (E) - (PLEA BREACH)	07/22/2015	14-11012-FH
c.				
d.				

2. a. ☑ I am requesting more than one felony to be set aside. At least seven years have passed since sentence was imposed or discharge from imprisonment, probation, or parole for the convictions, whichever is later. I have not been convicted of any offense during that time.

   b. ☑ I am requesting one or more serious misdemeanor(s) to be set aside. At least five years have passed since sentence was imposed or discharge from imprisonment, probation, or parole for the conviction(s), whichever is later. I have not been convicted of any offense during that time.

   c. ☐ I am requesting only one felony to be set aside. At least five years have passed since sentence was imposed or discharge from imprisonment, probation, or parole for the conviction, whichever is later. I have not been convicted of any offense during that time.

   d. ☐ I am requesting one or more misdemeanor(s) to be set aside. None of the misdemeanors are a serious misdemeanor or for an assaultive crime. At least three years have passed since sentence was imposed or discharge from imprisonment or probation for the conviction(s), whichever is later. I have not been convicted of any offense during that time.

Distribute form to:
Court
Defendant
Prosecuting official
Attorney General
State Police
Return

Case No. USDC: 1:21-CV-78; P-18210

3. ☑ a. No other application has been filed to set aside a conviction listed in item 1.
   ☐ b. An application was previously filed to set aside the following conviction(s) listed in item 1:

CRIME	CHARGE CODE(S) MCL citation/PACC Code	DATE OF CONVICTION	CASE NUMBER	DISPOSITION

4. ☐ a. No other application has been filed to set aside any other conviction(s).
   ☐ b. An application was previously filed to set aside the following conviction(s) not listed in item 1:

CRIME	CHARGE CODE(S) MCL citation/PACC Code	DATE OF CONVICTION	CASE NUMBER	DISPOSITION

5. ☑ I have not had any convictions deferred and dismissed. ☐ I have had the following conviction(s) deferred and dismissed: ______________________________

____

6. There are no other criminal charges pending against me.

____
Applicant Signature

Subscribed and sworn to before me on ______________________________ .
Date

____
Deputy clerk/Notary public signature

My commission expires on ______________ .

____
Name (type or print)

Notary public, State of Michigan, County of ______________ . ☐ Acting in the County of ______________ .

☐ This notarial act was performed using an electronic notarization system or a remote electronic notarization platform.

Case No. USDC: 1:21-CV-78; P-18210

The hearing cannot be held until the court receives the Michigan State Police report required by MCL 780.621(d)(8).

NOTICE OF HEARING

TO: Michigan Attorney General and ATTENTION: ROBYN FRANKEL ASSISTANT TO THE ATTORNEY GENERAL.
Prosecuting official

A hearing will be held on the above application to set aside conviction on USDC: 1:21-CV-78: FOEDERATI ORDINE
Date and time

at 30TH JUDICIAL CIRCUIT COURT & USDC WEST MICH. before HON.: JANET T. NEFF P-18210. .
Location Judge

PROOF OF SERVICE

I certify that copies of this application and certified record of conviction ☑ and notice of hearing were served on the

☑ prosecuting official on 05/07/2021 by first-class mail addressed to the last-known address.
Date

☑ Attorney General on 05/07/2021 by first-class mail addressed to the last-known address.
Date

I certify that copies of this application, certified record of conviction, and the fingerprint card, accompanied by the required fee, were served on the Michigan State Police on 05/07/2021 by first-class mail addressed to the last-known address.
Date

I declare under the penalties of perjury that this proof of service has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

05/07/2021
Date

Applicant/Attorney signature

Instructions for Filing and Serving an Application to Set Aside Conviction(s) (Form MC 227)

For additional instructions and an online interview that will help you create forms, go to michiganlegalhelp.org.

1. Determine whether you are eligible to apply to have your conviction set aside according to MCL 780.621 - MCL 780.621d.

2. You must file the application in the court where the conviction occurred. You must use a separate application for each court.

3. If you are asking to have an eligible conviction set aside under MCL 780.621(3) because the offense committed was a direct result of you being a victim of human trafficking, you must use form MC 227b. If you are asking to have a misdemeanor marihuana related conviction set aside under MCL 780.621e, you must use form MC 227a.

4. Find out the exact date of each conviction and each charge from the court. Get a certified copy of each conviction from the clerk of the court in which you were convicted and attach it to your application. There may be a fee to obtain these certified copies.

5. Swear to the truth of the statements in this application and then sign it in the presence of the court clerk or a notary public.

6. Make five copies of all attachments and this application. Take all copies to the court clerk.

7. Depending on local practice, the clerk of the court may set a hearing date at the time of filing. If a hearing date is set at the time of filing, the clerk of the court will complete the Notice of Hearing.

8. Go to the local law enforcement agency for a fingerprint card and get fingerprinted on the applicant card (RI-008). There may be a fee for fingerprinting. Fill out the card completely.

9. Make out a money order or check to the State of Michigan for the application. The application fee is $50.00. This fee is sent with the application packet to the Michigan State Police for processing.

10. Mail a copy of the application packet, application fee, and the fingerprint card to the Michigan State Police by first-class mail to Michigan State Police, Criminal Justice Information Center - Criminal History, PO Box 30266, Lansing, Michigan 48909.

11. Mail a copy of the application packet to the Attorney General of the State of Michigan by first-class mail to Office of the Attorney General, Criminal Trials and Appeals Division, PO Box 30212, Lansing, Michigan 48909.

12. Mail a copy of the application packet to the correct prosecuting official where the conviction occurred (county, city, or township) by first-class mail. See www.michiganprosecutor.org/about-us-menu/prosecutor-directory for the addresses of county prosecutors.

13. On both remaining copies of the application, fill in the Proof of Service on page 3. After you fill out and sign the Proof of Service, mail or take one of the remaining application packets with the completed Proof of Service to the court. Keep the other copy of the application packet for your records.